

WANGER JONES HELSLEY PC
 265 E. River Park Circle, Suite 310
 Fresno, California 93720
 Telephone: (559) 233-4800
 Facsimile: (559) 233-9330

Michael S. Helsley #199103
 E-mail: mhelsley@wjhattorneys.com
 Giulio A. Sanchez #317329
 E-mail: gsanchez@wjhattorneys.com

Attorneys for Defendant Madera Community Hospital

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

In re:
 MADERA COMMUNITY HOSPITAL,
 Debtor in Possession.

Case No. 23-10457-B-11
 Adv. Proc. No. 23-01024-B
 Chapter 11

ANTONIO RUBIO, on behalf of himself and
 those similarly situated,
 Plaintiff,
 v.
 MADERA COMMUNITY HOSPITAL,
 Defendant.

**JOINT STIPULATION TO STAY
 PROCEEDINGS PENDING
 MEDIATION**

1 **IT IS HEREBY STIPULATED** by and between Plaintiff Antonio Rubio (“Plaintiff”)
2 and Defendant Madera Community Hospital (“Defendant,” and with Plaintiff collectively referred to as
3 the “Parties”), through their respective attorneys, as follows:

4 **WHEREAS**, on May 11, 2023, Plaintiff filed the above-entitled matter;

5 **WHEREAS**, on November 6, 2023, the above-entitled Court issued a Scheduling Order
6 pursuant to Federal Rule of Civil Procedure 16 and Federal Rule of Bankruptcy Procedure 7016;

7 **WHEREAS**, the Parties met and conferred on, and agreed to, mediation with a neutral
8 to be selected by the Parties;

9 **WHEREAS**, mediation allows the Parties to resolve this matter without exhausting
10 limited resources in litigation while also preserving the Court’s time and resources;

11 **WHEREAS**, the Parties met and conferred on Wednesday, December 13, 2023, where
12 Defendant identified for the first time as being at issue an alleged Mutual Arbitration Disputes
13 Agreement allegedly executed by Plaintiff;

14 **WHEREAS**, the Parties agree that this stipulation is entered into without prejudice or
15 waiver to Defendant’s right to amend its Answer, move to compel arbitration or otherwise take action
16 with respect to the Plaintiff’s class action claims, and without prejudice or waiver to Plaintiff’s right to
17 oppose any such motion that may be filed by Defendant;

18 **WHEREAS**, the Parties have also agreed to proceed with informal exchanges of
19 information that facilitate mediation rather than formal discovery in light of the disputes concerning the
20 Mutual Arbitration Disputes Agreement;

21 **WHEREAS**, the Parties expect mediation to take place as soon as practicable;

22 **WHEREAS**, the Court’s Schedule Order sets the deadline to designate experts at April
23 26, 2024, the deadline to designate rebuttal experts at May 10, 2024, the deadline for all discovery at
24 June 1, 2024, the deadline to hear the class certification motion at August 21, 2024, the deadline to hear
25 dispositive motions at October 9, 2024, and the Pre-Trial Conference at November 20, 2024;

26 **WHEREAS**, should mediation prove unsuccessful, the Parties will need time to engage
27 in formal discovery, prepare experts, and prepare for trial.

28 **THE PARTIES HEREBY STIPULATE AND AGREE AS FOLLOWS:**

1 1. The above-entitled matter shall be stayed for all purposes, including discovery
2 purposes, pending completion of mediation by the Parties and a further order of the Court pursuant to
3 this Stipulation;

4 2. Plaintiff or Defendant, following a good faith meet and confer, may submit a
5 request to lift this stay;

6 3. Any and all arguments and defenses related to the alleged Mutual Arbitration
7 Disputes Agreement, including any right to compel arbitration or amend Defendant's Answer to include
8 a defense pursuant to the Mutual Arbitration Disputes Agreement, are preserved as of the date of this
9 Stipulation, such that neither Party may rely on time elapsed between the date of this Stipulation and the
10 lifting of the stay, or the act of entering into this Stipulation, in support or against any such arguments
11 or defenses; and

12 4. The Court shall issue a new Scheduling Order following the lifting of the stay
13 pursuant to this Stipulation.

14 **IT IS SO STIPULATED.**

15
16 Dated: December 29, 2023

WANGER JONES HELSLEY PC

17
18 By: s/Giulio A. Sanchez

Michael S. Helsley

Giulio A. Sanchez

Attorneys for Defendant

Madera Community Hospital

19
20
21 Dated: December 29, 2023

22 By: s/Michael C. Iadevaia

Eileen B. Goldsmith (SBN 218029)

Danielle E. Leonard (SBN 218201)

23 ALTSHULER BERZON LLP

24 177 Post St., Suite 300

San Francisco, CA 94108

25 T: (415) 421-7151

26 F: (415) 362-8064

egoldsmith@altber.com

27 dleonard@altber.com

Samuel J. Strauss*
Raina C. Borrelli*
TURKE & STRAUSS LLP
613 Williamson St., Suite 201
Madison, WI 53703
T: (608) 237-1775
F: (608) 509-4423
sam@turkestrauss.com
raina@turkestrauss.com

J. Gerard Stranch, IV*
Michael C. Iadevaia*
STRANCH, JENNINGS
& GARVEY, PLLC
223 Rosa L. Parks Avenue, Suite
200
Nashville, Tennessee 37203
T: (615) 254-8801
gstranch@stranchlaw.com
miadevaia@stranchlaw.com

Lynn A. Toops*
Amina A. Thomas*
COHEN & MALAD, LLP
One Indiana Square, Suite 1400
Indianapolis, Indiana 46204
T: (317) 636-6481
ltoops@cohenandmalad.com
athomas@cohenandmalad.com

* *Pro Hac Vice* applications to be submitted
Counsel for Plaintiff and the Proposed Class

PROOF OF SERVICE

I am a citizen of the United States and employed in Fresno County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is Wanger Jones Helsley PC, 265 E. River Park Circle, Suite 310, Fresno, CA 93720.

On the date indicated below, I served the foregoing document(s) described as **JOINT STIPULATION TO STAY PROCEEDINGS PENDING MEDIATION** on all interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

____ (BY MAIL) I am readily familiar with the business' practice for collection and processing of correspondence for mailing, and that correspondence, with postage thereon fully prepaid, will be deposited with the United States Postal Service on the date noted below in the ordinary course of business, at Fresno, California.

☒ (BY ELECTRONIC SERVICE) I caused the foregoing document(s) to be scanned into pdf format and sent via electronic mail to the electronic mail address(es) of the designated addressee(s).

☒ (FEDERAL) I declare that I am employed in this office of a member of the bar of this court at whose direction this service was made. Executed on December 29, 2023, at Fresno, California.

/s/ Kelly Puma
Kelly Puma
Email: kpuma@wjhattorneys.com

SERVICE LIST

Attorneys for Plaintiff and the Proposed Class

Eileen B. Goldsmith
Danielle E. Leonard
Altshuler Berzon LLP
177 Post Street, Suite 300
San Francisco, CA 94108
Ph: (415) 421-7151
E-mail: egoldsmith@altber.com
dleonard@altber.com

J. Gerard Stranch, IV
Michael C. Iadevaia
Stranch, Jennings & Garvey, PLLC
223 Rosa L. Parks Ave., Ste. 200
Nashville, TN 37203
Ph: (615) 254-8801
E-mail: gstranch@stranchlaw.com
miadevaia@stranchlaw.com

Samuel J. Strauss
Raina C. Borrelli
Turke & Strauss LLP
613 Williamson St., Ste. 201
Madison, WI 53703
Ph: (608) 237-1775
E-mail: sam@turkestrauss.com
raina@turkestrauss.com

Lynn A. Toops
Amina A. Thomas
Chen & Malad, LLP
One Indiana Square, Suite 1400
Indianapolis, IN 46204
Ph: (317) 636-6481
E-mail: ltoops@cohenandmalad.com
athomas@cohenandmalad.com